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10 **UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12 **OAKLAND DIVISION**

13 CENTER FOR FOOD SAFETY *et al.*,

14 Plaintiffs,

15 v.

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17 THOMAS VILSACK, in his official capacity as
Secretary of U.S. Department of Agriculture *et*
18 *al.*,

19 Defendants.
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Case No. 4:20-cv-00256-JSW

**JOINT ADMINISTRATIVE MOTION
REGARDING SUMMARY-JUDGMENT
BRIEFING**

JOINT MOTION

The parties agree that this Administrative Procedure Act (“APA”) case should be resolved on cross-motions for summary judgment. Pursuant to Civil Local Rule 7-11, the parties jointly request the entry of an order setting a schedule and page limitations for summary-judgment briefing:

1. **Briefing Schedule:**

- **January 14, 2022:** Plaintiffs’ deadline for filing a motion for summary judgment;
- **February 4, 2022:** Defendants’ deadline for filing a cross-motion for summary judgment, together with a combined brief in support of their motion and in opposition to Plaintiffs’ motion;
- **February 18, 2022:** Deadline for filing of proposed *amicus* briefs (if any);
- **February 25, 2022:** Plaintiffs’ deadline for filing a combined opposition and reply brief;
- **March 18, 2022:** Defendants’ deadline for filing a reply brief.

2. **Page Limitations:**

The parties jointly request that the Court set page limitations for the above-referenced briefing, although they offer differing proposals:

- **Plaintiffs’ proposal:** Plaintiffs believe that due to the complexity of this case and numerous issues, an extension of the page-length limitations is necessary to fully brief the issues on summary judgment. Plaintiffs respectfully propose the following page limitations: 50 pages for Plaintiffs’ summary-judgment brief, 60 pages for Defendants’ combined summary-judgment brief and opposition, 25 pages for Plaintiffs’ combined opposition and reply brief; and 15 pages for Defendants’ reply brief. Plaintiffs are proposing 10 pages fewer per side than they indicated they would need in their Case Management Report, as a compromise and to align with Defendants’ proposal for shorter page limits for final briefs. In all events, Plaintiffs request that they receive the same total number of pages as Defendants.
- **Defendants’ proposal:** Defendants respectfully propose the following page limitations: 30 pages for Plaintiffs’ summary-judgment brief; 40 pages for Defendants’ combined summary-judgment brief and opposition; 25 pages for Plaintiffs’ combined opposition

and reply brief; and 15 pages for Defendants' reply brief. In all events, Defendants request that they receive the same total number of pages as Plaintiffs.

Dated: December 9, 2021

Respectfully submitted,

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PROOF OF CONCURRENCE

Pursuant to Civil Local Rule 5-1(i)(3), Defendants Thomas Vilsack, in his official capacity as the Secretary of the U.S. Department of Agriculture; Sandra Eskin, in her official capacity as the Deputy Under Secretary for Food Safety, U.S. Dept. of Agriculture; U.S. Department of Agriculture; and Food Safety and Inspection Service, attest that all Plaintiffs, through their counsel, have concurred in the filing of this Joint Motion.

Dated: December 9, 2021

Respectfully submitted,

/s/ Joseph J. DeMott
JOSEPH J. DEMOTT

Counsel for Defendants